

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mack Arthor Weeks,)	
)	
Plaintiff,)	C/A No. 0:09-42-PMD-PJG
)	
v.)	
)	
Ray Nash, Sheriff,)	ORDER
)	
Defendant.)	
_____)	

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff, a former inmate with the South Carolina Department of Corrections, alleges violations of his constitutional rights by the named defendant. The defendant filed a motion for summary judgment on January 28, 2010, pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Docket Entry 40.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on January 29, 2010, advising the plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response.¹ (Docket Entry 41.) The plaintiff was specifically advised that if he failed to respond adequately, the defendant's motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

¹The court notes that the mailing containing this order was returned as undeliverable. (See Docket Entry 43.) The court further observes that the plaintiff was specifically advised of his obligation to keep the court apprised of his current address and the consequences of failing to do so. (See Docket Entry 8.)

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendant's motion for summary judgment within fifteen (15) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

March 10, 2010
Columbia, South Carolina